

### REMARKS

Claims 1-18 are pending. Claims 1, 7, 10 and 16 have been amended for clarity. No new matter has been added by way of the above-amendment.

#### I. Interview

Applicants note with appreciation that Examiner Chuo and Examiner Crepeau conducted an Interview with Applicants' representative, Garth M. Dahlen, Ph.D., Esq. (#43,575). Both Examiner Chuo and Examiner Crepeau were very helpful during the Interview.

As noted on the Interview Summary form, the proposed amendments shown to the Examiner during the Interview appear to overcome the rejection. The Examiner will note that the above-amendment is identical to the Amendment shown to the Examiner at the Interview.

#### II. Issues under 35 U.S.C. § 103

The following rejections are pending:

(A) Claims 1-4, 6-13 and 15-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Motomura et al.** (JP 2002-015743) in view of **Kohler et al.** (US 2003/0224233).

(B) Claims 5 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Motomura et al.** in view of **Kohler et al.** as applied to claims 1 and 10 above, and further in view of **Dube et al.** (US 2004/0089357).

Applicants respectfully traverse Rejection (A) and Rejection (B).

In order to further clarify the distinction between the present invention and the cited prior art, Applicants have amended claims 1, 7, 10 and 16 as follows:

wherein at least ~~one~~ the negative electrode selected from the positive electrode and the negative electrode comprises a laminate of at least two electrode layers each containing a catalyst and a polymer material having a proton conducting property

The Examiner will note that Motomura et al. teach the combination of two catalyst layers 1 and 2 making up the *cathode* whereas Motomura et al. only teach a single catalyst layer in the anode 8. Accordingly, it appears that our proposed amendment overcomes these rejections, since each of the independent claims now recite that the *negative electrode* comprises a laminate of at least two electrode layers each containing a catalyst.

It is noted that Kohler attempts to strengthen the bond between the catalyst layer and the gas diffusion layer, as stated by the Examiner. Also, in the fuel cell of Motomura, the gas diffusion layer 4 is formed on the surface of the catalyst layer 3 of the cathode. From the above, if Kohler is applied to Motomura, an adhesive layer must be formed between the cathode catalyst layer 3 and the gas diffusion layer 4, and accordingly, no adhesive layer would be formed between the catalyst layers 1 and 2.

Based on the foregoing, the presently claimed invention is not made obvious by Motomura et al., Kohler et al. and Dube et al. (in any combination). As such, withdrawal of Rejection (A) and Rejection (B) is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

### III. Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Application No. 10/761,128  
Amendment dated May 18, 2007  
Reply to Office Action of January 31, 2007

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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